

REMARKS

Claims 1-32 are pending in the instant application. Claims 1-16 have been rejected under 35 USC 101. Claims 1 and 17 have been rejected under 35 USC 112. Claims 1-32 have been rejected under 35 USC 103. Claims 8 and 24 have been cancelled. Claims 1-7, 9-17, 22, and 23 have been amended. New claims 33 and 34 have been added, leaving claims 1-7, 9-23, and 25-34 for examination. The Applicants submit that claims 1-7, 9-23, and 25-34 are in condition for allowance and request reconsideration and withdrawal of the outstanding rejections. No new matter has been entered.

Claim Rejections Under 35 USC § 101

Claims 1-16 have been rejected under 35 U.S.C. 101 as being allegedly directed to non-statutory subject matter. In particular, the Examiner states that the method claims of 1-16 are non-statutory because none of the steps indicate any connection to a computer or technology. Claim 8 has been cancelled. The Applicants have amended claims 1-7 and 9-16 to recite a "computer-implemented method" and submit that claims 1-7 and 9-16 comply with the requirements set forth in 35 USC 101. Reconsideration and withdrawal of the outstanding rejections is respectfully requested.

Claim Rejections Under 35 USC § 112

Claims 1 and 17 have been rejected under 35 U.S.C. 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

In particular, with respect to claims 1 and 17, the Examiner states that the phrase "convenient time periods" is unclear and suggests clarification of the phrase. The Applicants have amended claims 1 and 17 to recite "specified time periods". Similar amendments have been made to claims 6, 7, 22, and 23.

In addition, and also with respect to claims 1 and 17, the Examiner states that the phrase "forecast data" is unclear, and questions whether the phrase specifies 'projected' or 'demand' forecast data. The Applicants have amended claims 1 and 17 to recite "projected forecast data".

Finally, the Examiner objects to the conditional statement recited in claims 1 and 17.

YOR920010275US1 / I31-0005

9

The Applicants have amended the wording of claims 1 and 17, substituting "when" for the objected term, "if". In light of the aforementioned amendments, the Applicants submit that claims 1 and 17 fully comply with the requirements set forth in 35 USC 112, second paragraph, and respectfully request reconsideration and withdrawal of the outstanding rejections.

Claim Rejections Under 35 USC § 103

The Examiner has rejected claims 1-32 under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Patent No. 6,006,196 issued to Feigin et al. (hereinafter "Feigin"), in view of U.S. Patent Application Publication No. 2002/0072986 to Aram.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

As indicated above, claims 8 and 24 have been cancelled. The Applicants traverse the outstanding rejections of claims 1-7, 9-23, and 25-32 and respectfully submit that claims 1-7, 9-23, 25-32, and new claims 33-34 are in condition for allowance.

Applicants have amended claim 1 to include the features recited in cancelled claim 8. Further, as indicated above, claim 1 has been amended to address the rejections under 35 USC 101 and 112, second paragraph. Accordingly, no new matter has been entered by this amendment. Claim 1, as amended, recites "receiving an updated demand forecast and updating projected forecast data, *the projected forecast data including a quantity of said stock item expected to be consumed during at least one of said specified time periods*; determining for a given time period: projected inventory level using the projected forecast data, supplier commitment data, and prior periods' projected inventory levels; and days of

supply of inventory using the projected inventory level for a current time period and projected forecast data for subsequent periods; and *when said projected days of supply is out of a predetermined range for a given time period, taking corrective action.*"

Neither Feigin, nor Aram, either alone or in combination, teach or make obvious the features recited in Applicants' claim 1. The Examiner states with respect to claim 1 (and cancelled claim 8), that Feigin teaches the projected forecast data including a quantity of said stock item expected to be consumed during at least one of said specified time periods", citing column 5, lines 5-9. The Applicants respectfully disagree. The portions of Feigin relied upon by the Examiner are directed to a safety stock value and not to a quantity of stock item expected to be consumed during a period. The safety stock value taught by Feigin relates to a "quantity of the product that should be kept at this location in this period *to protect against uncertainty* in demand" (column 4, lines 2-4, emphasis added). Thus, the safety stock quantity taught by Feigin addresses a situation for resolving unexpected fluctuations in demand. By contrast, the projected forecast quantity recited in Applicants' claim 1 is related to a quantity that is *"expected to be consumed"*. Accordingly, the Applicants submit that Feigin does not teach the feature *"projected forecast data including a quantity of said stock item expected to be consumed."*

The Examiner concedes that Feigin does not disclose, *"when said days of supply is out of a predetermined range for a given time period, taking corrective action"* as recited in claim 1. However, the Examiner introduces Aram as allegedly teaching this feature, citing paragraphs 150-152 in support. The Applicants respectfully disagree. Aram teaches that a supplier may take action "when the stock level of a part is predicted to fall below the safety stock level" (paragraph [0150]). The corrective action taken, as recited in claim 1, is in response to "days of supply", whereas the corrective taken in Aram, is in response to a predicted stock level when compared to a safety stock level. There is a distinct difference between the two, i.e., one occurs in response to a projected days of supply analysis and the other (Aram) occurs in response to a comparison of predicted stock levels versus safety stock levels. Accordingly, Aram does not cure the deficiencies described above with respect to Feigin.

Claim 17 has been amended in a substantially similar manner as claim 1. For at least

the reasons presented above with respect to claim 1, the Applicants submit that claim 17 is also patentable over Feigin in view of Aram. Claims 2-7, 9-16 and 33 depend from what should be an allowable claim 1. Claims 18-23, 25-32 and 34 depend from what should be an allowable claim 17. For at least these reasons, the Applicants submit that claims 2-7, 9-16, 18-23, and 25-34 are in condition for allowance and respectfully request reconsideration and withdrawal of the rejections.

CONCLUSION

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested. It is submitted that the foregoing amendments and remarks should render the case in condition for allowance.

Accordingly, as the cited references neither anticipate nor render obvious that which the applicant deems to be the invention, it is respectfully requested that claims 1-32 be passed to issue.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 50-0510.

Respectfully submitted,
ROBERTO AYALA, ET AL.

CANTOR COLBURN LLP
Applicants' Attorneys

By Marisa J. Dubuc
Marisa J. Dubuc
Registration No. 46,673
Customer No. 48915

Date: February 6, 2006
Address: 55 Griffin Road South
Bloomfield, CT 06002
Telephone: (860) 286-2929
Fax: (860) 286-0115

YOR920010275US1 / I31-0005

13